

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAWN THOMPSON, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

WYETH, INC., a/k/a WYETH COMPANY,
f/k/a AMERICAN HOME PRODUCTS
CORPORATION; WARNER-LAMBERT
COMPANY; PARKE-DAVIS, a division of
Warner-Lambert Company; PFIZER, INC.;
MCNEIL-PPC, INC.; NOVARTIS
CORPORATION; NOVARTIS CONSUMER
HEALTH, INC., RITE-AID CORPORATION;
PRESTIGE BRANDS, INC.; and THE
PROCTOR AND GAMBLE COMPANY,

Defendants.

Civil Action No.
05-11169-NMG

**DEFENDANTS' ASSENTED-TO MOTION TO EXTEND TIME TO ANSWER OR
OTHERWISE PLEAD IN RESPONSE TO COMPLAINT**

This assented-to Motion is filed by defendants Pfizer, Inc. ("Pfizer"), Warner-Lambert Company ("Warner-Lambert"), on behalf of itself and its unincorporated Parke-Davis division ("Parke-Davis"), Wyeth, Inc., McNeil-PPC, Inc., Novartis Corporation, Prestige Brands, Inc., and The Proctor and Gamble Company (collectively "Defendants"). Defendants respectfully request an extension of time to and including June 27, 2005 in order to respond to the Complaint of plaintiff Dawn Thompson ("Plaintiff"). In support of their assented-to Motion, Defendants state as follows:

1. Plaintiff filed her Complaint in this action on February 11, 2005 in the Superior Court Department of Essex County, Massachusetts.

2. Defendants were served with a summons and copy of the Complaint in or about the first week of May, 2005.

3. Defendants Pfizer, Warner-Lambert and Parke-Davis filed a Notice of Removal with this Court on June 6, 2005.

4. The Complaint alleges, among other things, that Defendants engaged in material misrepresentations in connection with the marketing and sale of various over-the-counter children's cough syrups that contained the active ingredient dextromethorphan.

5. Plaintiff claims, among other things, that Defendants marketed these cough syrups as "effective in suppressing children's coughs" while the cough syrups are "no more effective in children than a placebo." See Complaint at ¶ 2.

6. Because of the complex nature of the issues presented by the Complaint, Defendants request an extension of time until June 27, 2005 to answer or otherwise plead pursuant to Fed. R. Civ P. Rule 12. An extension of time may also assist the parties in narrowing the issues before the Court.

7. By and through her counsel, Plaintiff has assented to the extension sought by the Defendants.

WHEREFORE, Defendants respectfully request that this Court:

- a. Grant their Motion;
- b. Enter an Order extending the time for Defendants to answer or otherwise plead in response to the Complaint until June 27, 2005; and
- c. Grant such further relief as this Court deems just and appropriate.

ASSENTED TO:
Plaintiff, Dawn Thompson,
By Her Attorney,

/s/ Kenneth G. Gilman

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Respectfully submitted,
The Defendants,
By Their Counsel,

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